

John M. Bredemeyer III, President  
Michael J. Domino, Vice-President  
James F. King, Trustee  
Dave Bergen, Trustee  
Charles J. Sanders, Trustee



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**BOARD OF TOWN TRUSTEES**  
TOWN OF SOUTHDOLD

Minutes

Wednesday, April 22, 2015

5:30 PM

Present Were: John Bredemeyer, President  
Michael Domino, Vice-President  
Jim King, Trustee  
David Bergen, Trustee  
Elizabeth Cantrell, Senior Clerk Typist  
Lori Hulse, Assistant Town Attorney

**CALL MEETING TO ORDER**  
**PLEDGE OF ALLEGIANCE**

NEXT FIELD INSPECTION: Wednesday, May 13, 2015 at 8:00 AM  
NEXT TRUSTEE MEETING: Wednesday, May 20, 2015 at 5:30 PM  
WORK SESSIONS: Monday, May 18, 2015 at 5:30 PM at Downs Farm, and on  
Wednesday, May 20, 2015 at 5:00 PM at the Main Meeting Hall

MINUTES: Approve Minutes of March 18, 2015.

TRUSTEE BREDEMEYER: Good evening, and welcome to the Trustees regular monthly meeting. You'll notice in the agenda we have a number of items that are postponed, so if you've come to appear before a given item that might be listed as postponed, they are, starting listed on page six, number eleven, Chris Mohr Enterprises on behalf of **GREG CAHILL** requests a Wetland Permit to replace existing dock with a proposed 4'x10' ramp at landward end to a 4'x36' catwalk using composite decking; a 4'x10' aluminum ramp; and a 6'x20' float using composite decking; twelve (12) 6"-8" diameter pilings to be installed; all of undercarriage will be constructed out of ACQ and hot galvanized hardware; remove and replace existing timber 22" high by 62' long retaining wall; as-built 6' wide by 124' long by 2' high native stone gabion revetment; and to establish and subsequently maintain an 8' wide non-turf buffer area along the landward edge of the gabion revetment. Located: 1180 Sage Boulevard, Greenport, has been postponed.

And then the entirety of page seven of this evening's meeting agenda, starting with number 12, Michael A. Kimack on behalf of **KEVIN & PAULA FLAHERTY** request

a Wetland Permit for the demolition of an east side extension and majority of its foundation; construct a one-story 298sq.ft. addition with the installation of a drywell to contain roof runoff for new addition; as-built 90' long fieldstone retaining wall of varying height with steps located approximately 10' landward of easterly side of existing bulkhead. Located: 1250 Lupton Point Road, Mattituck, has been postponed.

Number 13, Ural Talgat on behalf of **STELIOS & PENELOPE NIKOLAKAKOS** request a Wetland Permit to reconstruct and renovate existing 1,068sq.ft. dwelling within existing footprint; existing exterior wall structure and building foundation walls to remain; construct a 30sq.ft. addition onto northwest corner; construct an 81.3sq.ft. addition onto southeast corner; construct a 217.5sq.ft. covered screen porch onto south side of dwelling; construct a 708sq.ft. outdoor terrace on north side of dwelling using stone pavers on grade; new 72.5sq.ft. outdoor landing with step from dwelling to terrace constructed with stone pavers on concrete slab; install gutters to leaders to drywells to contain roof runoff; and on landward side of dwelling construct a covered porch with 35sq.ft. steps leading to a 200sq.ft. walkway using stone pavers on concrete slab to new 2,200sq.ft. driveway and parking area with asphalt surface and drywells to contain runoff. Located: 20795 Soundview Avenue, Southold, has been postponed.

Number 14, Michael Kimack on behalf of **MIMI COLOMBO** requests a Wetland Permit to remove existing +/-24' long wood retaining wall, 4' wide wood decking and staircase; and replace with a proposed +/-24' long ACQ wood retaining wall with shoreguard sheathing; proposed 4'x+/-24' thru-flow decking along top of retaining wall; construct a 4'x60' fixed dock on 8" diameter pilings at 8'o.c.; a 3'x16' removable aluminum ramp; a 4'x16' floating dock with a 4'x4' float extension using trex decking; with four (4) 10" diameter pilings in two sets; overall length of docking facility from retaining wall to be 80'. Located: 350 Oak Street, Cutchogue, has been postponed.

Number 15, McCarthy Management, Inc. on behalf of **850 PRESIDENT LLC** requests a Wetland Permit to construct a 30'x59' single-family dwelling with drywells; proposed sanitary system landward of dwelling; and driveway. Located: 7165 New Suffolk Road, New Suffolk, has been postponed.

At this time I'll take a motion to hold the next field inspection for Wednesday, May 13th, at 8:00 AM.

TRUSTEE KING: So moved.

TRUSTEE BREDEMEYER: Is there a second?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: There is another postponement on page four that I neglected to mention before. Number three, Patricia C. Moore, Esq. on behalf of **JOHN VENETIS** requests a Transfer of Wetland Permit #4895 from Spyridon & Letta Kouzios to John Venetis, as issued on March 25, 1998; and for an Amendment to Wetland Permit #4895 to replace existing ramp with a 3'x16' ramp; and relocate 5'x24' float from a "T" shape to an "I" shape with four (4) proposed piles.

Located: 2600 Takaposha Road, Southold, has been postponed.

And a motion to hold the next Trustee meeting Wednesday, May 20th, at 5:30 PM and to have work sessions on May 18th, 5:30 PM at Downs Farms, and May 20th, 2015, at 5:00 PM in the main meeting hall. Do I have a motion?

TRUSTEE DOMINO: So moved.

TRUSTEE BREDEMEYER: Second?

TRUSTEE BERGEN: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: Motion to approve the Minutes of the March 18th meeting.

TRUSTEE KING: I'll make that motion.

TRUSTEE BREDEMEYER: Second?

TRUSTEE BERGEN: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

### **I. MONTHLY REPORT:**

The Trustees monthly report for March 2015. A check for \$6,957.35 was forwarded to the Supervisor's Office for the General Fund.

### **II. PUBLIC NOTICES:**

Public Notices are posted on the Town Clerk's Bulletin Board for review.

### **III. STATE ENVIRONMENTAL QUALITY REVIEWS:**

RESOLVED that the Board of Trustees of the Town of Southold hereby finds that the following applications more fully described in Section VI Public Hearings Section of the Trustee agenda dated Wednesday, April 22, 2015, are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA:

Joan Prager – SCTM# 14-2-1.10

George & Debra M. Coritsidis – SCTM# 89-2-5.1

Lewis & Helaine Teperman – SCTM# 21-2-16

Mark King – SCTM# 106-4-5

Rick Nappi – SCTM# 128-2-22

375 East End Road Realty Trust, c/o Peter Alsop – SCTM# 3-7-5

Mary Van Cott – SCTM# 111-14-23

Rosemary & Sebastian Avolesse – SCTM# 111-14-24

Pasquale & Martin Romanelli – SCTM# 145-3-9.1

John Petrocelli, Sr. – SCTM# 81-3-19.6

Kevin & Paula Flaherty – SCTM# 115-11-12

TRUSTEE BREDEMEYER: I'll take a second to that resolution motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

### **IV. RESOLUTIONS - ADMINISTRATIVE PERMITS:**

TRUSTEE BREDEMEYER: As a rule, for administrative actions of the Board for resolutions that are straightforward and are minor actions, and also for the extension of transfers and administrative permits, we will group them together where possible for a vote on more than one action to speed up the meeting where it's been determined these things are minor in nature and consistent with the Town Wetland Ordinance.

At this time, though, there are several items that have to be discussed individually because of the review that was provided under the Town's Local Waterfront Revitalization Program.

Item one, Gary Parker on behalf of **WILLIAM MATASSONI** requests an Administrative Permit to replace in-place the existing irregularly shaped deck attached to dwelling including the +/-236sq.ft. on-grade decking off of deck. Located: 1525 Birds Eye Road, Orient.

This project has been deemed inconsistent under the LWRP because the construction took place without the benefit of a Board of Trustees Wetland Permit. The site was inspected, the replacement deck meets all the current standards for a permit.

Therefore, I would move to approve this application, noting it will address the inconsistency from the LWRP coordinator by providing a permit for a deck that fully meets the current standards. That's my motion.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: The second application that received an inconsistency is number two, **KEA MAGNUSON** requests an Administrative Permit to install a 1,000 gallon septic tank seaward of the bluestone patio. Located: 1075 Mill Creek Drive, Southold.

The placement within the 75-foot setback was discussed by the Board of Trustees at our worksession, and because the inconsistency deals with that setback, the Board discussed and has the opinion that the addition of the thousand-gallon septic tank improves the sewage treatment on the property and meets the statutory intent of the Trustees to get a higher level of sewage treatment and locate sanitary system elements as far as possible from the waterfront.

A septic tank which ordinarily is waterproof would not be leaching its contents into the waterway. Accordingly, because this is a net improvement to the water quality treatment system for this home, I would say that serves to address the inconsistency provided in the LWRP review. Accordingly, I would move to approve this application.

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(Trustee Bredmeyer, aye. Trustee Domino, aye. Trustee Bergen, aye. Trustee King, abstains).

TRUSTEE KING: Number three, I'll abstain from this one.

TRUSTEE BREDEMEYER: Number three is **ANTHONY & DOROTHY DEMAULA** request an Administrative Permit to install a 12' wide bluestone pervious driveway in order to connect to the existing dirt road located near the seaward side of property; and remove 3-4 trees as necessary in order to install the road. Located: 800 North Drive, Mattituck.

The Trustees viewed this on field inspection last week. The trees are probably not even, all of three or four trees are involved in the construction of this road as we taped it out. It's a minor action for the construction of a pervious driveway. Accordingly, I would move to approve this application and request a roll call vote since one member of the Board has requested to abstain.

So I move to approve. Is there a second?

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: We'll have a roll call vote. Trustee Domino?

TRUSTEE DOMINO: Aye.

TRUSTEE BREDEMEYER: Trustee Bredemeyer, aye.

Trustee King?

TRUSTEE KING: I'll abstain from this. It's my sister and brother-in-law own the property.

TRUSTEE BREDEMEYER: And Trustee Bergen?

TRUSTEE BERGEN: Aye.

(Trustee Bredemeyer, aye. Trustee Domino, aye. Trustee Bergen, aye.

Trustee King, abstains).

## **V. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:**

TRUSTEE BREDEMEYER: Under applications extensions, transfers and administrative amendments, pace indicated earlier, where these are administrative actions and minor in nature, that the Board has reviewed and discussed during the course of worksession, we can move them as a group. Some of the of them as a group. Accordingly, I would move to approve items number one, two, three, four and five under this category as a group. They are listed as follows:

Number one, **EUGENE L. DANERI** requests a One-Year Extension to Wetland Permit #8184, as issued on May 15, 2013. Located: 200 Terry Path, Mattituck.

Number two, **DAVID & KATRINE WOLFGANG** requests a Transfer of Wetland Permit #7066 from Philip Stanton to David & Katrine Wolfgang. Located: 302 Town Creek Lane, Southold.

Number three, **JOSEPH BATTAGLIA** requests an Administrative Amendment to Wetland Permit #64-3-3 to relocate the existing 6'x20' floating dock with two (2) float piles from a "T" shape to an "L" shape. Located: Hobart Road, Southold.

Number four, En-Consultants on behalf of **MELANIE BELKIN** request an Administrative Amendment to Wetland Permit #8516 to modify the proposed 188sq.ft. and 67sq.ft. walkways to be constructed as bluestone/masonry walkways in lieu of concrete; and for the in-place replacement of the approximately 318sq.ft. existing concrete patio on the landward side of pool with an on-grade bluestone/masonry patio. Located: 1700 Cedar Beach Road, Southold.

And number five, Michael A. Kimack on behalf of **DAVID PAGE & BARBARA SHINN** requests an Administrative Amendment to Wetland Permit #8363 to construct an 864sq.ft. elevated on pilings two-story dwelling with attached 568sq.ft. deck/porch with two (2) staircases with landings; construct a 300sq.ft. shed; and the proposed garage and 12'x60' retaining wall will no longer be constructed. Located: 1854 North Bayview Road, Southold.

Is there a second?

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

Item number six, **LUAN SADIK** requests an Administrative Amendment to Wetland Permit #8405 to relocate pool fence to be installed along seaward edge of pool patio; and for a 3' wide non-turf buffer along the top of bluff in lieu of the 10' wide non-turf

buffer. Located: 2200 Sound Drive, Greenport.

The Board of Trustees received a request to review the previously issued Wetland Permit #8405 to consider an Administrative Wetland Permit Amendment, and the Trustees noted that the attributes of the Sound bluff being sloped slightly away from the bluff face and the fact that the bluff is a stable, vegetated bluff, the Board is inclined, based on the field inspection, while we are not prepared to grant a relief from the previous ten-foot wide non-turf buffer, the Board felt that we could allow this non-turf buffer to be reduced to six feet from the top of the bluff, keeping it in line with the top landing of the beach access stairs.

Accordingly, I would move to approve this request with the stipulation that the amendment would create a six-foot non-turf buffer. That's my motion.

TRUSTEE KING: Second.

TRUSTEE BERGEN: Comment.

TRUSTEE BREDEMEYER: Motion made and second. Comment for discussion.

TRUSTEE BERGEN: Thank you. I understand the homeowner's reason for this is the fact that we had permitted a pool to be installed, and so it reduced the area lawn between the buffer and the pool. The way I look at this is if there had been no pool there, would we have been inclined to have a six-foot buffer or three-foot buffer or ten-foot buffer, et cetera. And so for myself, I think all along the Sound there we have been having buffers that have been a minimum of ten foot. So I just wanted to throw that on the record.

TRUSTEE BREDEMEYER: I think I recall one other stable bank where the person had requested additional relief, and we ended up reducing one to six. I guess each Board member may make a determination on the conditions they find. I felt, at least for my own individual perspective, that it was less about pool placement or with or without a pool, but it had to do with the attributes there was a stable bank there that was vegetated, that didn't appear to be at risk of blowing out. So we can put it to a vote. Understood.

TRUSTEE BERGEN: Thank you.

TRUSTEE BREDEMEYER: Motion has been made and second with discussion. All in favor?

(Trustee Bredemeyer, aye. Trustee Domino, aye. Trustee King, aye. Trustee Bergen, nay).

MS. HULSE: The violation was cleared on that.

TRUSTEE BREDEMEYER: Okay, at this time I'll take a motion to open the public hearing and go off the regular hearing agenda.

TRUSTEE KING: Motion made.

TRUSTEE BREDEMEYER: Second, All in favor?  
(ALL AYES).

**VI. PUBLIC HEARINGS:  
AMENDMENTS:**

TRUSTEE DOMINO: Costello Marine Contracting Corp. on behalf of **JOAN PRAGER** requests an Amendment to Wetland Permit #7552 and Coastal Erosion Management Permit #7552C to construct an additional +/-95' of 2 to 4 ton rock revetment extension from end of existing rock revetment east to property line. Located: 39823 Main Road, Orient.

The LWRP coordinator found this to be consistent. The CAC voted not to support the project, indicating this is an example of a piecemeal approach to a problem and it is not an adequate solution.

The Trustees have been to this site several times in the past, and on the 15th did an inhouse discussion and found the conditions to be okay.

Is there anyone here to speak to this application?

MR. COSTELLO: My name is John Costello, Costello Marine Contracting. We are the agents for Mrs. Prager on this application now. The inconsistency that I just heard that was mentioned, but the additional neighbors to the west and one additional neighbor to the east have applications and permits from the DEC to build rock revetments, with certain conditions of elevation and whatnot. And Mrs. Prager had a previous DEC violation with elevation. A couple of the rocks were 18 inches -- 16 inches and 18 inches too high for the elevation. She went and removed the rocks, but the elevation, in order to abide by the DEC's violation, and each of the neighbors, are going to be consistently of the same height when they do get built. And I'm not building them, but Mrs. Prager certainly has been begging me -- there will be a void between the properties. If you have been to the property recently, there is severe erosion in that area. Cliffs are coming down, trees are down on the beach. And we are trying to fill that void and connect one rock revetment with another.

If there are any questions that the Board would have, I'll certainly attempt to answer them.

TRUSTEE DOMINO: Questions or comments from the Board? (Negative response).

TRUSTEE DOMINO: Does anyone else wish to speak to this application?

(Negative response).

Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application as submitted.

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE KING: Number two, **GEORGE N. & DEBRA M. CORITSIDIS** request a Transfer of Wetland Permit #759 from Raymond J. Akscin to George N. & Debra M. Coritsidis, as issued on September 12, 1972; and for an Amendment to Wetland Permit #759 for the as-built 2.7'x31.6' wood walk; 4.1'x17.4' wood ramp; and the two (2) wood floating docks in a "T" shape with one float measuring 4.1'x16.2' and second float measuring 4.1'x16.5'. Located: 1800 Cedar Beach Road, Southold.

This was found to be inconsistent with the LWRP. He states the application cannot be fully accessed because water depths of the cross section of the proposed dock have not been submitted. I guess he needs that information so he can do his work on it. And the CAC supports the application with the condition appropriate materials are used for reconstruction. Those are the comment from the LWRP coordinator and the CAC.

Is there anyone here to speak on behalf of or against this application?

MS. CORITSIDIS: Good afternoon, I'm Debra Coritsidis. I'm sorry, I didn't hear what was missing from the application.

TRUSTEE KING: Water depths and the cross section of the proposed dock.

MS. CORITSIDIS: Okay. The dock is already existing, so do you mean just to --

TRUSTEE KING: Well, there are some issues here that we'll have to bring out here. You are asking for a transfer of the permit, which I don't think anybody had a problem with. But the permit was for a floating dock 5x16 feet, and a ramp 5x8 feet. There was never a permit for the dock or any of those other structures. So my feeling is, to get this, to bring this into consistency, I think actually we should have a new catwalk constructed with a ramp to a 6x20 float. That would meet the Town's Wetland standards and probably help bring this into consistency. But I can't guarantee that because he has not done a complete review yet. But I don't have a problem transferring the permit. But what you get is what is on the permit. And that's simply a 5x16 float with a ramp 5x8 feet long. That's the only legal structure that can be there. The catwalk and everything has no permit, so it's technically illegal

MS. CORITSIDIS: Okay. So we need to apply for the catwalk.

TRUSTEE KING: I would suggest that. I would suggest a longer catwalk with a ramp to a float, so everything is basically the same length you have now, but it would conform to the town standards.

MS. CORITSIDIS: Okay. Very good.

TRUSTEE KING: So I would make a motion to table this application to give you a chance to bring in some new stuff.

TRUSTEE BERGEN: And one suggestion. When you bring in those new plans to reflect what we are talking about here, water depth, if you could have somebody determine the water depth at the seaward end of the float, because that was brought up in the



inconsistency evaluation, that there were no water depths there.

MS. CORITSIDIS: Very good. Thank you.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second to table?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: And item number three is postponed.

#### **WETLAND & COASTAL EROSION PERMITS:**

TRUSTEE BREDEMEYER: Next, under Wetland and Coastal Erosion Permits, number one, Creative Environmental Design on behalf of **LEWIS & HELAINE TEPERMAN** requests a Wetland Permit and a Coastal Erosion Hazard Area Permit to rebuild in-place existing 24'x32' deck attached to dwelling. Located: 1225 Aquaview Avenue, East Marion.

This project has been determined to be inconsistent with the Town's LWRP because its proposed construction seaward of the coastal erosion hazard area line. The CAC was unable to -- did not make an inspection and was not able to make a recommendation.

The Board has reviewed the documentation submitted by the applicant on behalf of Mr. and Mrs. Teperman and included a lengthy history concerning the Building Department records and building permits, how they were granted for decks, and we also have licensed land surveys providing a thorough picture for the Trustees that this structure here effectively existed with the authority of the government to have a deck there. So the issues that remain for discussion basically are the fact that the project does need a Wetland permit, and under the Coastal Erosion Hazard Act, non-major additions, which are those additions that are less than 25% by surface area, are allowed to be granted in the coastal erosion hazard zone, which this particular structure falls within.

The proposed structure, the square footage of the deck going to the hazard area is approximately 10.9% as a percentage of the dwelling. So accordingly it's well below the 25% that the code requires us to review applications for. So I just want to give you that fact pattern. So that's the situation we have with this application.

Is there anyone here who wishes to speak on behalf of this application?

MR. CHICANOWICZ: Dave Chicanowicz, Creative Environmental Design, representing the Teperman's. If you have any further questions, I think I supplied enough background information to help make it clear, but I would be happy to answer any other questions you may have.

TRUSTEE BREDEMEYER: Are there any other questions?

We discussed it at length in the worksession and discussed the history of the deck construction in the town.

TRUSTEE BERGEN: There was talk of a nine-foot buffer.

TRUSTEE BREDEMEYER: I guess at the time we were going to have disturbance of the deck, I don't think we -- we discussed it briefly. With the deck construction and the fact that this is going closer to the bluff, the Board wanted to entertain the possibility of discussing with you that we could get a non-turf buffer adjacent to the top of the bluff.

MR. CHICANOWICZ: Well, there is limited property, as you well know from visiting the site. I would have to review it with my customer to see if he's open to that. Again, we are not looking to change anything. The deck has been there since '74 or '76, I believe. And it's just reconstructing the existing decking kind in place with new material, because it's a safety hazard as is. And we went to the ZBA to bring that up to code, went through all the processes. So no shortcuts here, we are just trying to do the right thing.

TRUSTEE BREDEMEYER: Since the construction doesn't actually involve the bluff --

MR. CHICANOWICZ: I mean, I would be happy to put up hay bales and silt cloth during construction. That's not an issue.

TRUSTEE BERGEN: I'm trying to remember the slope there. I don't remember if it sloped down.

TRUSTEE BREDEMEYER: It's almost zero slope.

TRUSTEE BERGEN: Maybe just a silt fence.

TRUSTEE BREDEMEYER: I think a silt fence.

TRUSTEE BERGEN: So no need for hay bales.

TRUSTEE BREDEMEYER: I think we could leave it as a recommendation.

TRUSTEE KING: Leave it as a recommendation that they don't mow right down to the top of the bluff.

MR. CHICANOWICZ: I'll see if I can convince them to leave a little barrier there so we are not getting close to the top of the bulkhead or retaining wall.

TRUSTEE KING: Okay.

TRUSTEE BREDEMEYER: Any other questions?

(Negative response).

Hearing none, I'll make a motion to close the hearing in this matter.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve this application as submitted noting that we are addressing the inconsistency by requiring the coastal erosion management permit and that the applicant is proposing a 10.9% addition into the Coastal Erosion Hazard Area. That's my motion.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. CHICANOWICZ: Thank you.

TRUSTEE KING: For the record, I'll abstain from this next application. I'm the adjoining property owner and the applicant is my brother.

#### **WETLAND PERMITS:**

TRUSTEE BERGEN: Under Wetland Permits, number one, Gary Steinfeld on behalf of

**MARK KING** requests a Wetland Permit for the partial demolition and reconstruction of existing 30.5'x22.4' dwelling including removal of southern portion of structure (5.2'x22.2'); expansion of footprint to 28'x32' with additions on north and east elevations; addition of a second story; and construction of a 12'x29' deck on west elevation; and 4'x6' covered entry porch on east elevation. Located: 200 East Mill Road, Mattituck.

The Board did go out and looked at this. It was reviewed under the LWRP and found to be consistent. And the CAC resolved to support the application.

This was, initially, when it was brought to the Building Department, there was thought that there was a need to go before the ZBA. So the applicant did take this to ZBA, and the determination was because the location is within M2 Zone, that the proposed structure would comply with bulk schedule 278 of the Town Code.

Is there anybody here to speak on behalf of this application?

MR. STEINFELD: Gary Steinfeld, on behalf of Mark King.

TRUSTEE BERGEN: The Board just had a couple of questions. We did not see in the plan here the septic system location.

MR. STEINFELD: The location of the septic system is about center on the structure, on the east side.

TRUSTEE BERGEN: Because what we normally require is at least the septic to show up on the --

MR. STEINFELD: Right here (indicating).

TRUSTEE BERGEN: Oh, perfect. So the applicant has brought forward a plan dated 10/30/14, and that shows an existing septic on it landward of the creek, Mattituck Creek. Actually behind the house and closer to the 25 foot right-of-way.

And we had also asked to be sure during construction that there was compliance with Chapter 278 of the Town Code which is the runoff code, that there be gutters and leaders to drywells.

MR. STEINFELD: Right. There is an existing drywell onsite as well.

TRUSTEE BERGEN: I saw the existing drywell here on the plan. We just wanted to make sure as a condition it's done.

MR. STEINFELD: Right, we'll do a capacity on the roof line and double check that does comply.

TRUSTEE BERGEN: Thank you. That's the only questions we had. Anybody in the audience want to comment on this application? (Negative response).

Any other comments from the Board?

TRUSTEE BREDEMEYER: I had a question. A lot of times we see an upgrade including at least a thousand gallon septic tank and where you'll be disturbing soils and involving all the construction. Had you given that some consideration? Now would probably be the time to do it.

MR. STEINFELD: On this particular project we have minimal disturbance. It was discussed with the client but I think from a cost point of view and the level we are dealing with, we are just doing some small modifications to the foundation, which is just trenches to put footings in, the thought now is at least now with the system operating, we will just stick with it.

TRUSTEE BREDEMEYER: How long has it been since the building has been occupied?

MR. STEINFELD: About six years.

TRUSTEE BREDEMEYER: You didn't have any issues with it? There

has been no problems with it?

MR. STEINFELD: None that I discussed with my client, no.

TRUSTEE BREDEMEYER: It's a saving feature for the existing pools, particularly that has not been used, they probably had a chance to regenerate. If the plumbing scheme allows its addition, at the very least I think it's a good recommendation to consider at this time. It would provide an additional minimal level of treatment.

MR. STEINFELD: Okay, I think it's worthwhile, I'll take a look at it.

TRUSTEE BREDEMEYER: Any additional questions or comments? (Negative response).

Hearing none -- go ahead.

TRUSTEE BERGEN: I'll make a motion to close this public hearing.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BERGEN: I'll make a motion to approve the application as described with the condition that it meets the town's Storm Water Runoff Code.

MR. STEINFELD: Okay.

TRUSTEE BREDEMEYER: Motion has been made. Is there a second?

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(Trustee Bredemeyer, aye. Trustee Domino, aye. Trustee Bergen, aye. Trustee King, abstains).

MR. STEINFELD: Thank you.

TRUSTEE DOMINO: J.M.O. Environmental Consulting on behalf of **375 EAST END ROAD REALTY TRUST, c/o PETER ALSOP** requests a Wetland Permit to upgrade the sanitary system by pumping out the existing septic tank, if needed fill with sand; install new sanitary system; remove concrete slab and install new sewer line from house and install a man-hole cover; install approximately 50' of a +/-4' high boulder retaining wall with a fence on the landward side; and to clear area of vegetation for access of garage. Located: 33 Treasure Pond Road, Fishers Island.

The LWRP coordinator found this to be consistent. The CAC did not visit the site and therefore no recommendation was made.

The Trustees in their notes indicated they would like a silt fence at the limit of clearing, which I know is also on the plans received, stamped received March 18th, 2015; and a ten-foot non-disturbance buffer seaward of the limit of clearing. And that you must pump out and fill the cesspool with sand.

Is there anyone here to speak to this application?

MR. JUST: Good evening, Glenn Just, JMO Consulting, on behalf of the applicant. I think it's quite a simple project where they are just trying to upgrade the sanitary system, maybe just ten or fifteen feet away from the wetland, and kind of pull it back. And there is no plans to do anything to the house or anything like that. It's just upgrading the system.

TRUSTEE DOMINO: Any questions or comments from the Board?  
(Negative response).

TRUSTEE DOMINO: It seems straightforward.

Is there anyone else here to speak to this application?

TRUSTEE KING: It says pump out existing septic tank and if needed fill with sand. It doesn't make sense to me.

TRUSTEE BERGEN: In other words you are saying it should be filled with sand?

TRUSTEE KING: You would not fill the septic tank with sand. Am I reading this wrong?

TRUSTEE BERGEN: But you are installing a new sanitary system.

MR. JUST: If you want to require that the existing system is pumped and filled with sand, that's fine. And then abandon it.

TRUSTEE KING: I think it should be pump out existing cesspool. Not septic tank. Do you understand what I'm saying?

TRUSTEE BREDEMEYER: Standard procedure abandoning any system would be to pump it out and fill with sand.

TRUSTEE KING: I think it's a typo in the description.

MR. JUST: It's just a tank now, Jim, and they'll put in a system that conforms with Suffolk County code.

TRUSTEE KING: Okay.

TRUSTEE DOMINO: Are you comfortable with that?

TRUSTEE KING: I see, you'll just leave that in place and just fill it with sand.

TRUSTEE BERGEN: Exactly.

TRUSTEE KING: Now I understand. Okay.

TRUSTEE DOMINO: Any other questions or comments?  
(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. Second?

TRUSTEE BERGEN: Second.

TRUSTEE BREDEMEYER: All in favor?  
(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application.

TRUSTEE BREDEMEYER: Second?

TRUSTEE BERGEN: I'll second it.

TRUSTEE DOMINO: All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: The next application, number three, Bill Gorman on behalf of **JACOBY FAMILY LTD. PARTNERSHIP, c/o WINIFRED BREINES** requests a Wetland Permit to replace existing 26'x14' dock and 3' wide steps attached to side with a proposed 4'x10' steps and landing at lake edge; a 4'6"x3' hinged ramp; and 4'x4' float. Located: 3055 Kirkup Lane, Mattituck.

This project has been determined to be inconsistent under the LWRP for the fact that it did not have a permit, and the recent communication from Joan Chambers with respect to this project indicated that the dock will contain no treated materials, and requested the project description to be amended to eliminate the hinged ramp and the float from the northeast of

the dock, and to relocate the two attached steps from the north side of the dock to the south side of the dock, which is a minor change. The CAC supported the application and -- was in support of that application. The LWRP coordinator indicated that the request to go to no treated materials would meet his concerns concerning the toxic materials portion of his inconsistency review, and that we would have to address the no prior permit, that would still stand as his initials review of maintaining inconsistency because of the lack of a permit.

Is there anyone here who wishes to speak on behalf of this application?

MS. CHAMBERS: My name is Joan Chambers. I did the drawings in the application. Bill Gorman is unable to be here tonight. I'll answer any questions you may have.

TRUSTEE BREDEMEYER: With the amended language, did we get another drawing --

MS. CHAMBERS: Yes, you have a drawing dated 3/26 that shows the hinge ramp and floated ramp removed. The site plan and the actual plans. And on the plans I made a note about no treated materials to be used in any part of the dock.

TRUSTEE BREDEMEYER: Okay. Does any member of the Board have any questions? We discussed this project at worksession. I don't think there are any additional questions. Any questions? (Negative response).

Hearing none, I'll make a motion to close the hearing in this matter.

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I would make a motion to approve this application noting that the amended application, amended project plan, addresses the inconsistency concerning the use of toxic dock building materials and that the granting of a permit will address the inconsistency for the lack of a prior permit. Accordingly, I would move to approve this application as amended.

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BERGEN: Number four, David Jude Jannuzzi on behalf of **RICK NAPPI** requests a Wetland Permit to replace existing first-floor exterior walls as needed in order to construct a second-story addition with deck all within the existing footprint; remove existing concrete stoop from southeast corner of dwelling; and add two (2) cellar windows airways to south side of dwelling. Located: 5218 Great Peconic Bay Boulevard, Laurel.

The Board did go out and looked at this on field inspections. The LWRP reviewed it and found it to be exempt. The CAC resolved to support the application.

This project did go to the ZBA and a variance was granted by ZBA.

Is there anybody here to discuss this application?

MR. KIMACK: Good evening. Mike Kimack on behalf of the applicant. You'll see I'm also authorized, along with David Januzzi, to speak on the owner's behalf.

TRUSTEE BERGEN: Yes, I do have that.

MR. KIMACK: David had a chance to spend some time with his son, so I figured since I was here.

It's a pretty straightforward, existing foundation, no change in the footprint. Remove the first floor as much as needed. The words "as needed" in there, because a lot of times when architects design these and contractors get in there, as we have noticed, sometimes they find more damage than they normally have. We just had one of those. So it's difficult when I put some of these together to know exactly what the contractor will find when they get out there. So that's why the words "as needed" is in there. It doesn't appear they'll have to take it all down, but if there is more damage, that whole first floor may have to come down. And then the interior first floor, there is a second floor add on to the house. It's exactly like that it will look like, with a second floor. Removal of the one of the steps, I think on that side. And that's pretty much it.

TRUSTEE BERGEN: Just please understand that if you do find that the project exceeds the description that is on the permit, you'll have to come back before this Board for an amendment.

MR. KIMACK: That happened to us just recently. That's why I used the word "as needed" in there. Taking down the exterior first floor. I know you are not interested in the interior of the first floor. But the word "as needed" is in there.

TRUSTEE BERGEN: The concern is that if you do come to a point in the road where you feel that the four walls do have to come down, it's now a demo. And that is not what you are asking for.

MR. KIMACK: On this particular one I'll make it a point to go back to the contractor to make sure that he saves as much as he can, as long as it's good. And if he has to reframe it, to use as of much of the material as possible.

TRUSTEE BERGEN: Again, like I said, if you find the project goes beyond the scope of the permit, please come back to us and the Building Department.

MS. HULSE: You have to re-word the "as needed." Whatever you want to use, you know, three walls or --

MR. KIMACK: Do you want a more concise description?

TRUSTEE BERGEN: Yes, rather than use the word "as needed."

TRUSTEE KING: "As needed," you can take down four walls.

TRUSTEE BERGEN: We would rather have it much more specific. So either replace the existing exterior walls or you are not replacing the existing four walls.

MR. KIMACK: You know what, put in replacing the existing four walls, that way we are covered.

TRUSTEE BERGEN: And if you do that, correct me if I'm wrong,

fellow Board members, but then it's a demolition.

TRUSTEE KING: Look at the variance from the ZBA.

TRUSTEE BERGEN: I'm being asked to review the variance from ZBA.

MR. KIMACK: Use the variance. We'll stick with what that says. I think I used the same language.

TRUSTEE BERGEN: The ZBA here granted the variance as applied for, as shown on the survey.

MR. KIMACK: That's it.

TRUSTEE BERGEN: The ZBA application was for additions, alterations to existing dwelling less than code required 35-foot front yard setback; and less than the code required single yard setback of ten feet; less than the code required bulkhead 75 feet. And so the relief requested was to those setbacks. So that's what the ZBA granted, relief for the setbacks.

MS. HULSE: Say they were okay with a demo. Would you require him to change the footprint?

TRUSTEE KING: Well, I'm okay with the location. I'm just concerned what we ran into in the past and it always turned into a headache, because you come in for a rebuild and the first thing you know, a neighbor calls in, the only thing left is a hole in the ground.

MR. KIMACK: He's basically doing a second floor on top. Basically. What's the trigger on a demo, is it more than 50% on the first floor?

TRUSTEE BERGEN: That's for the Building Department to determine, not for the Trustees.

Would you like to table this to have a chance to talk with your client, confer with the Building Department, talk to your engineer and then --

MR. KIMACK: I feel pretty comfortable by actually putting a percentage in here that would meet the requirement, that we would not exceed 50% of demolition of the walls. That I know won't trigger a demo. Which would be only two walls, Dave. Basically. An accumulation of two walls total. And that in and of itself does not trigger a demo.

TRUSTEE BERGEN: I'm not sure what conversations are going on down there. Please help me out.

MS. HULSE: My point is we have to strike the "as needed" language because it has to be something definite. So the issue then becomes if he removes all four walls, is that something you would permit. If you would permit it, you can you issue a permit. If he has to go back to the ZBA --

MR. KIMACK: Can I make a request for an amendment that we would take down no more than 50% of the exterior walls.

MS. HULSE: If you are comfortable with that.

MR. KIMACK: I am.

MS. HULSE: So we'll amend the language to say "and to replace no more than 50% of the existing first-floor exterior walls." Strike the words "as needed."

MR. KIMACK: They can work with that.



TRUSTEE BERGEN: Okay. We had a question, we didn't see a septic located on these plans anywhere.

MR. KIMACK: The septic system is nothing being changed. There is no new bedrooms. It's two bedrooms in the old one, two bedrooms in the new one.

TRUSTEE BERGEN: And where is it located?

MR. KIMACK: It's not on here, Dave. What I can do is get you the location and get it to you.

TRUSTEE BERGEN: Of course the other item we want to make sure --

MR. KIMACK: Would you like a silt fence?

TRUSTEE BERGEN: Well, first off, gutters, leaders leading to drywells. And then, yes, we were thinking of a silt fence landward of the masonry shed, going from property line to property line there.

MR. KIMACK: That's fine. We'll make a notation, we'll locate the drywell on there and we'll locate the septic and we'll indicate gutters and leaders, and the septic in front.

TRUSTEE BERGEN: Okay. Was there anyone anybody else in the audience who wanted to speak for or against this application?

(Negative response).

Any other comments from the Board?

(Negative response).

TRUSTEE BERGEN: I'll make a motion to close the public hearing.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BERGEN: I'll make a motion to approve this application, read as follows.

MS. HULSE: Just "as amended."

TRUSTEE BERGEN: I was just about to do that.

MS. HULSE: You don't have to reread it. You can just say "as amended." It's up to you.

TRUSTEE BERGEN: Amended as follows. Rick Nappi requests a Wetland permit to replace no more than 50% of exterior walls in order to construct a second-story addition with deck, all within the existing footprint; remove existing concrete stoop from southeast corner of dwelling; and add two cellar windows airways to the south side of the dwelling. In addition, the new plans will be submitted that will show the location of the septic; gutters, leaders and drywells; and that a silt fence will be shown located landward of the masonry shed. That's my motion. And note that it has been exempt under the LWRP.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

MR. KIMACK: Thank you.

TRUSTEE DOMINO: Number five, En-Consultants on behalf of **MARY VAN COTT** requests a Wetland Permit to construct a dock adjacent to existing bulkhead consisting of a 4'x6' platform cantilevered off bulkhead; 3'x14' ramp; and 6'x20' float secured with two (2) 8" diameter pilings. Located: 4080 Wunneweta Road, Cutchogue.

The LWRP coordinator found this to be consistent. The CAC resolved to support this application. The Trustees did a field inspection on April 16th, and in the conditions noted that it would be advisable to add electric and water to the application. Otherwise it was straightforward.

Is there anyone here to speak to this application?

MR. HERRMANN: Good evening. Rob Herrmann of En-Consultants on behalf of the applicant. I'll agree that it's a pretty straightforward application. The Van Cott's have historically docked their boat at the bulkhead and are looking for an easier access here with a floating dock off of a ramp and platform, similar to some of the other dockage facilities in this boat basin.

I did talk to the applicant, who I think had seen you when you were at the site, and agreed he would at least like to include it in the permit in case he would like to run water and electricity to the dock.

I do have one question I do have to ask the Board. And Lori's advice will probably be required here. Back in 2006 there was a Wetlands Permit that had been issued for the bulkhead reconstruction here, 90% of which you probably saw was completed. There was that one return section on the south end of the property that was not done. That permit has long since expired, but it was never closed out. Now, it has been the Board's past practice that when a project was substantially commenced and completed, it did not have to renew the permit to finish some small portion of it as long as the permit was not closed out. So since he's going to have the contractor down here working on the dock, and the next application before you is to sort of a rebirth of the Avolese bulkhead reconstruction, we are hoping to just get that done at that time under the previously existing permit, and we want to make sure we don't misstep here and that would still be the Board's and Lori's counsel that he still has the right under that prior permit to get the last section of the bulkhead done, since 90% of the work has been completed and the permit was not closed out. So that's the question to the Board and/or to Lori.

TRUSTEE KING: I'm a little confused. I thought that short section belonged to Avolese.

MR. HERRMANN: It doesn't. It's actually on Van Cott's property. It benefits Avolese, because it supports her portion of the property. But when we originally filed both of these applications years ago because that is completely located on Van Cott's property, it was part of Van Cott's permit.

TRUSTEE BERGEN: The other challenge to this is if there is a backing system proposed to that short piece, it will be on Avolese's property that the excavation and installation of the backing system exists. So this becomes a little confusing.

MR. HERRMANN: Well, we anticipated that. I had spoken to Rosemary Avolese. Because again, obviously we are in here on the Van Cott bulkhead, and she indicated if one of you raised that question she would have no problem signing a letter of

consent saying she understands that the work will be occurring on her property. In this case we have the planned convenience that Ian Crowley will be down there working on both properties, both jobs at the same time. So it will all be really done together. Avolese's property will be disturbed at that same time anyway, so he's really just hoping to finish all the work in one shot.

TRUSTEE BERGEN: You said the permit was --

MR. HERRMANN: I think it was issued in 2006, so its first expiration date would be 2008. I don't know offhand if he renewed it. But even if he renewed it twice it would have expired in 2010. The reason again, I ask the question, is because the entire rest of the job is done. It's just this one section. Now, I guess we could throw that in here. I'm just, I'm presuming the Board has no objection for him finishing the work you already permitted. I'm just trying to make sure we get it done the right way.

MS. HULSE: The objection is that permit was not closed out because he never finished the work. It would have been closed out if he finished the work and called for inspection. The issue becomes, a permit doesn't survive forever, as you know. And if he is going to continue to work, there could be new noticing requirements, there could be new standards of issuance of permit requirements. I mean, that's what you have to take into account. I don't think the Board can just say, oh, yes, go ahead and finish something that expired, what was it nine years ago?

MR. HERRMANN: Five years ago.

MS. HULSE: Sorry, five years ago. But I'll leave it to the Board as to whether they want to have some consideration. If you want to include that in this application, it obviously has to be re-noticed.

MR. HERRMANN: Well, we would not want to do that. I mean, we would have to come back and seek an amendment and we know -- we would not want to lose this tonight. We have been working very hard to get this in so we can actually have this for this summer. So basically we are amenable to whatever the Board wants to do. The reason I asked the question, again, was just based on past practice.

TRUSTEE BREDEMEYER: It was suggested maybe we'll continue with this application and then come in for an amendment to it if and when it were approved, and then also a letter from the neighbor Avolese, possibly.

MR. HERRMANN: Okay. Would you see that as something that could be handled administratively or do you think it would have to be noticed and heard?

TRUSTEE BREDEMEYER: It's extremely minor as an amendment. I don't want to prejudge it. But this is really a small piece. The letter from the neighbor is probably the biggest --

MS. HULSE: This is actually not something for the public hearing. You can have that answered through the office if you want to, at a later date.

MR. HERRMANN: Okay, sure.

TRUSTEE DOMINO: Anyone else here to speak to this application?  
(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. Is there a second?

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE DOMINO: I'll make a motion to approve this application noting that we will add electric and water to the request.

TRUSTEE BREDEMEYER: Motion made. I'll second that. All in favor?  
(ALL AYES).

TRUSTEE BREDEMEYER: Next application, En-Consultants on behalf of **ROSEMARY & SEBASTIAN AVOLESE** requests a Wetland Permit to construct approximately 64 linear feet of vinyl bulkhead in-place of existing timber bulkhead to be removed (including +/-16' section of lower bulkhead forming seaward wall of step-down platform, which is to be raised approximately 18" higher than existing); construct a +/-22 linear foot vinyl return in-place of existing timber return; construct approximately 34 linear feet of vinyl retaining wall in-place of existing timber walls forming +/-8' x +/-17' step-down platform to be removed and replaced in-place and 18" higher; backfill with approximately 40 cubic yards of clean sand/loam fill to be trucked in from an approved upland source; and upon project completion, recover backfill lost during construction through incidental dredging to a maximum depth of -4'ALW of 10' wide area adjacent to +/-64' section of new vinyl bulkhead. Located: 4150 Wunneweta Road, Cutchogue.

The application was considered exempt under the LWRP. It was reviewed by the CAC that supported it with the condition that the height of the bulkhead was not raised unless it conforms to the height of the neighboring bulkheads. I presume that means it would match the neighboring bulkheads.

The Board viewed this application, it appeared to be straightforward and made sense that the lower platform is raised. It's obviously getting inundated at times. The field notes do request the addition of a ten-foot non-turf buffer. And given the fact that the area will be disturbed immediately adjacent to Wunneweta Pond, it should have a silt boom. As we noted in a project across the lake didn't that subsequently is having one installed.

Is there anyone here who wishes to speak on behalf of this application?

MR. HERRMANN. Rob Herrmann of En-Consultants on behalf of the applicant.

This is really a re-visitation of a permit that was previously issued by the Board. Permit #5829 was issued back in

November of 2003 and subsequently amended in 2004 and 2006 for the identical work that was never done due to personal circumstances in the applicant's family. And we are now back seeking that same approval. And the condition of the ten-foot non-turf buffer and silt boom are certainly customary and acceptable.

I don't have anything else unless the Board has any other questions on it.

TRUSTEE BREDEMEYER: Any other questions?

(Negative response).

TRUSTEE BREDEMEYER: Not hearing any, I'll make a motion to close the hearing in this matter. Is there a second?

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

TRUSTEE BREDEMEYER: I'll make a motion to approve this application as submitted, with the stipulation that a ten-foot non-turf buffer be installed along the bulkhead head portion and that a silt boom be employed during all construction phases.

That's my motion.

TRUSTEE KING: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

TRUSTEE KING: Number seven, Michael Kimack on behalf of **THOMAS & NANCY ESHELMAN** requests a Wetland Permit to construct a 4' x +/-120' walkway using thru-flow decking with 6" diameter piles following existing path through wetlands; remove existing 4'x32' fixed dock and construct new 4'x79' fixed dock with 8" diameter piles at 9' finished grade using thru-flow decking; install a 3'x16' removable aluminum ramp; install an 8' wide at ramp end by 4' wide by 16' long with a 2'x2' at 45 degree corner brace "L" shaped floating dock using composite lumber; install two sets of (2) 8" diameter piles to secure floating dock; and to construct a new 1,045sq.ft. attached deck to dwelling. Located: 695 Howard Avenue, Mattituck.

This was found consistent with the LWRP. That's good news.

MR. KIMACK: Always good news.

TRUSTEE KING: I think Mattituck Creek was found to be like a maritime center, more or less, so a lot of the docks have been found to be consistent rather than inconsistent with the LWRP. I think that's probably the reason. And the CAC resolved to support the application. And I don't see any other comments.

Is there anyone here to speak on behalf of or against this application?

MR. KIMACK: Mike Kimack on behalf of applicant. To that description, Jim, I want to add it also includes the 1,000-square foot, on the deck.

TRUSTEE KING: Yes.

MR. KIMACK: The description was pretty straightforward. It's about 120 feet following an existing pathway through the

wetlands; 79 foot of fixed dock; 3x16 removable aluminum walkway; and 4x16 foot floating dock with two dolphins on each side. And the deck basically allows, it's almost like the deck is also the landing. It steps down three different ways to allow egress and ingress off the deck to the rest of the property. It's pretty straightforward.

TRUSTEE KING: I don't think anybody had any question with the deck at all, and the house. I had a few concerns about the walkway and the dock. It's a pretty extensive walkway through quite a bit of wetlands, and rather than six-inch piles, I would rather see 4x4's supporting that walkway. They can be put in by hand. You don't have to pump anything in. There is a lot less disturbance. And it's substantial enough. It won't be an issue as far as strength goes.

MR. KIMACK: Okay.

TRUSTEE KING: And on the dock, the pilings, the inshore pilings out to first two sets of pilings, I would make them six-inch and then eight-inch out in the water.

MR. KIMACK: The first two on the 79-foot fixed one.

TRUSTEE KING: Make that six-inch piles. And I really don't think there is any need for the dolphins. I think a single eight-inch pile on either end of the float is sufficient there.

MR. KIMACK: You know, they've all come up this year, Jim.

TRUSTEE KING: Well, the doubles come up, too.

MR. KIMACK: But not on the fixed angles. Not that much. That one I would ask you to reconsider.

TRUSTEE BREDEMEYER: What about slightly bigger, ten or twelve-inch pile in, butt first.

TRUSTEE KING: Put a ten-inch pile in, butt first.

MR. KIMACK: Always butt first. Never pointed down. I know a lot of them go in pointed down. But they should go in butt first.

TRUSTEE KING: The odds of it not lifting is a lot greater if it's a larger pile with the butt in. I would recommend a ten or 12-inch pile.

MR. KIMACK: I had a ten-inch pile out there, or do I have two eights?

TRUSTEE KING: Two eights on each end.

MR. KIMACK: Then I would put a 12-inch. Butt first down. To make sure.

TRUSTEE KING: And it's all flow-through grating, correct?

MR. KIMACK: Except for the dock itself. Everything else is flow-through.

TRUSTEE KING: Right. It's a pretty developed area. I know this is a long catwalk and there's mixed thoughts about walking through a wetland or putting a walkway through the wetland.

There's pros and cons. The one argument if you walk through it you trample the wetland and if you have a walkway, you don't.

MR. KIMACK: The water comes up almost to the edge over there. It's almost always flooded. It limits the amount of time they can spend there.

TRUSTEE KING: I think if you keep these low, I think 18 inches

is sufficient on a walkway.

MR. KIMACK: It is, as low as I can, all the way through there. I started with that and went all the way through. That's a DEC requirement. DEC requires minimal elevation.

TRUSTEE KING: Okay, any other Board questions?

TRUSTEE BREDEMEYER: No, it sounds like some very good suggestions.

TRUSTEE KING: Okay, any other comments from anybody on this project?

(Negative response).

Hearing none, I'll make a motion to close the hearing.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE KING: I'll make a motion to approve the application with those changes: 4x4s on the walkway, two-piles holding the float in place, 12 inch; and it's all flow-through grating.

MR. KIMACK: That's already on there. Would you want me to submit those changes on a drawing simply for the record?

Or is it enough per your description?

TRUSTEE KING: Give us a new drawing indicating the 4x4s and the two six-inch piles to four piles at the end of the dock.

MR. KIMACK: And the twelves going out there. For the record that would be better. I'll have it to you by Friday.

MS. HULSE: Jim, can you just read that, quickly, the amendments, again.

TRUSTEE KING: The walkway is to be supported by 4x4s versus six-inch piles. The first four piles -- first two piles on each side of the fixed dock are to be six-inch in diameter. The remaining piles out to the seaward end of the dock are to be eight-inch. I would suggest the last bent on the end of the dock be three piles. That stops that seaward end of the dock from ever lifting.

MR. KIMACK: Okay, so basically you are asking for a three-pile bent at the end of the dock.

TRUSTEE KING: On the seaward end of the dock. Then you have your ramp to the float, secured by two 12-inch piles, one on each end.

MR. KIMACK: Anything to keep it in the ground, Jim.

TRUSTEE KING: I guess that's my motion.

TRUSTEE BREDEMEYER: Motion has been made. Second?

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MR. KIMACK: Thank you, very much.

TRUSTEE BERGEN: Number eight, Patricia C. Moore, Esq., on behalf of **BARBARA ADAMS** requests a Wetland Permit to demolish existing dwelling and garage and construct a new 3,198.12sq.ft. two-story, single-family dwelling; a 26.3'x8.3' attached rear seaward deck; and an 18'5x18.1' front deck. Located: 8100 Indian Neck Lane, Peconic.

This came before the Board back in January. There was a hearing held in January where there was concern expressed with

regard to the distance the proposed home is from the top of the bluff, the top of the bank. At that time, in January, it was reviewed under LWRP and found to be inconsistent. That was entered into the record back in January. The CAC resolved to support the application with a condition that the driveway is -- or suggestion, that the driveway is permeable and there is a drainage plan. And the CAC also questioned new construction on the existing footprint.

The inconsistency under the LWRP back then had to do with the setback of the proposed house from, well, from both the concrete wall high water mark and top of bank or top of bluff as described here.

Then there was another field inspection done in March, and I believe Mr. Herrmann joined us with that. It was postponed for last month, which brought it forward to this month. So that's how we got to where we are today.

I have received a new set of plans and a letter dated April 21st, 2015, from Patricia Moore, and I'll stipulate this letter will be entered into the record in its entirety. Basically it's saying that they revised the plans so both the dwelling and deck fit within the envelope, which is ten foot farther landward. So 85 feet from the bulkhead.

I also have a letter that was received, stamped received April 25th, 2015, from Jan Nicholson. It's a lengthy letter. I'll also stipulate this letter in its entirety will be entered into the record. And I'll just summarize here some points in the letter, leaving it open that the applicant, if they would like to, can go over in more detail the items raised in this letter.

Again, it's dated April 14th, received today, April 21st. Again, this is from Jan Nicholson, and it states: I'm writing on behalf of Barbara Adams who is the applicant for the proposed house. I'm the contract vendee. The central issue has emerged in this application, it's a setback of the proposed house from the water. She makes reference to meetings with Patricia Moore and Rob Herrmann in the field. It goes on to say, I have listened to my advisors pertaining laws pertaining to setback with some struggle, because the law lacks clarity. Many people must experience some bewilderment. I have come to believe the question as to whether the current application is non-conforming devolves to the question whether the drop from the upland plateau to the beach is truly a precipitous slope bluff as defined in the Town Code or simply a minimal and ordinary change in elevation that occurs as upland slopes down to the beach. The former would require a hundred foot setback from that ridge from my house, while the latter would not. While I, the prospective owner, look at this matter, I see the property in isolation and think that a seven foot drop I could walk down is clearly not a bluff. Then I put myself in your shoes. I think of your responsibility to protect the coast from storms that are increasingly ferocious, a trend for unknown extent. I think of all the applications that may come over the years, some of which could seek to build on precedence set here claiming there is no bluff.



Where to draw the line. For a shoreline much steeper than we have here, I would not want to be vulnerable to argue the point. Taking the long view, as you must, I would protect my ability to fulfill my responsibilities under the laws that are helpful. And the lack of clarity -- so again, questioning whether or not this is truly a bluff.

It mentions the house next door to the west is particularly close to the water, does not appear to have been subject to a bluff setback. Can we reach an agreement that will allow us both to move forward. My proposal consists of a plan with a dwelling, a deck redesigned so the entire structure is within an envelope for which the nearest corner is now ten feet further landward, or 85 feet from the bulkhead. It is my understanding that at this location the house would be at least 108 feet back from spring high tide and 116 feet back from mean high tide. Because the property is wedged that narrows in the landward direction, I also need to reduce the width of my house by a foot.

So again, I kind of summarize or hit the highpoints of the letter.

MS. MOORE: Thank you.

TRUSTEE BERGEN: And again we do have this new set of plans that have been submitted. With that, is there anybody here who would like to speak on behalf of this application?

MS. MOORE: Well, it sounds like you pretty much summarized the entire application. I think I would like to hear your comments before we discuss it. I don't want to belabor points if in fact the Board is satisfied with our mitigation and the survey that has been given to you with all the drainage provided and the non-turf buffer and vegetated buffer that has been imposed both by the Zoning Board and at your recommendation.

So we think we have come back with a very acceptable, approvable plan. So we would like to hear from you.

TRUSTEE KING: Did that letter say "precipitous"?

TRUSTEE BERGEN: Yes, it did, Trustee King.

TRUSTEE KING: I thought that's what it said.

TRUSTEE BERGEN: Well, I can tell you we have received a very lengthy letter from Mr. Herrmann a while back arguing the point that this is, whether or not this is a bluff. And the Board has thought about this, and I think I can speak on behalf of the Board, and correct me if I'm wrong, that we have considered the information contained in the letter, we have considered all the information in the application. We have done now I think two site visits to this property. And it's our feeling that does represent a bluff. What is listed here as top of bank. And so our jurisdiction goes 100 feet from that point. And we are working with setbacks from that point. The Trustees are. We know you have been before ZBA and ZBA uses setbacks from a structure down below. That's ZBA. ZBA gave you a determination that was ZBA's determination. You are now before a different agency, the Trustees, and the Trustees use our code, the Trustees use our determinations based on all the information that is presented,

as well as our observations in the field. And you know, again, any of the Trustees feel free to chime in, but it was our understanding after all these reviews that we feel the jurisdiction goes from top of bank. And for that reason we are looking at setbacks from the top of bank.

So that brings us to the issue at hand as to whether or not, since this is a demolition, the house is being completely taken down, we always then look at the opportunity to comply with code, which is 100-foot setback from, in this case, top of bank. And then the applicant can of course try to make the case with us as to an exception to that, if you would like. So that brings us up to where we are today.

MS. MOORE: Okay. Well, I thank you, because that issue of top of bank was not clear what the position of the Board was. I would object to that determination. I believe it's not correct. In fact we have the definition. I would just ask the Board to look very carefully at the definition itself. And it actually says, and I'll read it to you because a very important language I think is being disregarded. Any bank or cliff with precipitous or steeply slope face adjoining -- adjoining -- a beach or body of water. I think that's where the mistake is occurring or at least that is where we have objected to the definition.

To begin with, everybody along, all the other homes that are along this off Indian Neck Lane, there are numerous applications, just about every house on that block has been either renovated or demolished and constructed. And reconstructed. In no application did the Board take the position that it was a top of the bluff or bank. In fact what you are telling me is completely contrary --

TRUSTEE BREDEMEYER: This is I think really irrelevant --

TRUSTEE KING: I would like to have more comments from the Board right now, myself.

TRUSTEE BREDEMEYER: Your characterization of the Board may have on some of these matters is not a point for us to discuss these others. I think is irrelevant. I agree with Trustee King, we should have some additional discussion from the Board members.

MS. MOORE: Well, I would just point to the definition.

TRUSTEE KING: I know the definition by heart, Pat. Trust me.

MS. MOORE: I know you do. And it's not steeply slope or precipitous slope. It's adjoining to a beach or body of water. So in neither case is this natural slope adjacent to a beach or body of water.

That being said, now I'll be quiet and I'll certainly listen to what other Board members have to say.

TRUSTEE KING: Thank you. I have looked at this. I have been on this Board a while. Usually when we demo a house I have never seen one moved seaward. But in all this time I have never seen the original house this far landward as this one is. Usually it's a house close to the wetlands, 30, 40 feet. It gets demolished. Of course we want to move it back. I think the proposal the applicant has made pulling it back to 85 feet,

that's kind of what I had in my mind the first time I went out and looked at it. Let's move it back a little bit. This business of going to the Zoning Board and applying for a house at 50 feet, knowing they are going to make it 75, is kind of playing a game. If it was me I would have applied for a house here at 85 feet and keep the zoning out of it. It's gamesmanship. That's where I'm coming from. I'm comfortable with the 85 feet. Put a good-sized buffer and don't knock all the trees down, and we'll go on from there.

TRUSTEE BERGEN: You are comfortable with 85 feet from the concrete bulkhead?

TRUSTEE KING: Yes.

TRUSTEE BERGEN: Okay.

TRUSTEE BREDEMEYER: Similarly, I don't recall all the years I have been on the Board also, that an application came in with a house so far removed, and the existing houses, the neighbors are further seaward. Regardless of the discussion of the top of bank. And I think environmentally, the overall setting and the prior determination of the Zoning Board compels me at least to look at this, the environmental settings tends to trump another aspects. It seems to be a well-protected shoreline. It has sustained quite -- other areas in the town have sustained much more damage from recent coastal storms, so that I think the very strong attempt to reconfigure and move this back does this environmental setting justice. And due to the uniqueness of this, I have been on the Board 16 years, I can't recall too many environmental settings like this, if any, where we started with such an advantage on setback. Anyhow, I agree with Jim on this. You know, a wholesome attempt to improve this application.

TRUSTEE BERGEN: I just want to clarify something. When we were out in March in the field, what was proposed as a house that was going to be, give or take a foot, 32 feet from the top of bluff. So now what is being proposed is the new house will be approximately 43 feet from the top of bluff; is that correct?

MS. MOORE: Well, the original proposal was 33 feet, if you are using the top of bluff. Now it's 43.

TRUSTEE BERGEN: Okay, 33 feet. I said plus or minus a foot. So I said 32. So 33, yes.

MS. MOORE: Oh, I'm sorry, I thought you meant like a foot off. Not 33. I'm sorry.

TRUSTEE BERGEN: No, I'm sorry. We measured 32, you say 33, so, that's fine.

MS. MOORE: No, I didn't hear the 30, and I know we were further back. That's fine.

TRUSTEE BERGEN: So what we are doing now -- what is being proposed is 43 feet from the top of the bluff. And we know that there was a --

MS. HULSE: I'm sorry, ma'am -- ma'am -- Pat, you can't have a conversation. Dave is trying to make a record. He's trying to take the Minutes. You can't have a conversation.

MS. MOORE: I'm sorry, I was misreading the survey as well. The

top of the bank is actually 15 feet plus 43. Because 43 is to the vegetated, the 15-foot vegetated buffer. See that?

TRUSTEE KING: Approximately 70 feet from the top of the bluff.

TRUSTEE BERGEN: Okay. Thank you. Approximately 70 foot. What is now proposed, tonight.

MS. MOORE: Correct. Yes. Thank you. I misread it as well.

TRUSTEE BERGEN: And the distance the original house is from the top of the bluff, is, as I recall, is around 83, 85 feet.

TRUSTEE KING: No, because we are moving it back the other way.

TRUSTEE BERGEN: I'm talking about the existing house there now.

TRUSTEE KING: The existing house now is landward of that, yes.

TRUSTEE BERGEN: Correct, to be demolished, is approximately 15 feet farther landward than what is being proposed tonight.

I know we have looked at this as far as a potential building envelope for a proposed house without going any further landward than the current, existing framed house. And there is a pretty good-sized building envelope there. I understand it does not, what you are proposing does not fit within that building envelope, but there is a fairly good-sized building envelope available. So if we were to stick to that building envelope, it would probably be downsizing the scope of the project, the house.

MS. MOORE: No, we actually had to go to the Zoning Board because the Wendell is actually a rear yard. So the building envelope is almost non-existent.

TRUSTEE BERGEN: Well, like I said, we have a building envelope here that takes into consideration the fact that that is, the Wendell side is the rear side.

I know out in the field we had also talked about, I believe this was back in January, our concern for the trees that are out front. And I think with any final proposal, I'm not saying we have gotten to a final proposal here, we are going to have to ask that the trees be marked that are going to be retained, other trees be marked if they are going to be pruned, and that we have a chance to review that prior to any work being done on those trees. Because unfortunately in the past, you know, we have had people come in and pretty much clearcut lots. And we would not want them to end up that way. I wanted to mention that now before it gets lost in this discussion tonight. That's all.

I know speaking for myself, I do appreciate the fact that this proposal has the house going farther landward than what was originally proposed. I still feel there is a fairly large envelope available, starting with the most landward part of the existing house. And myself, personally, I would still like to have this house go back another 15 feet. Approximately 15 feet. Because I think there is enough of an envelope there. That's just my own feeling here tonight.

TRUSTEE KING: I just scaled it off. It's 100 feet back from the concrete bulkhead. I'm comfortable with that.

TRUSTEE DOMINO: I want to add that considering the uniqueness of this property, the fact that Indian Neck Road would be the front

yard, I went to the Building Department and clarified all the setbacks. And I have to say that the property to the west is much closer to the bay than the existing home or the proposed home. So I'm comfortable with this application as it exists now.

TRUSTEE BREDEMEYER: I believe also, the concerns about trees, we just brought the non-turf buffer with the stipulation of tree protection, most of the trees are located within about 15 or 20 feet of the top of the bank there, and we can simply require that before tree work be done in the future that they would come in and secure an Administrative Permit or review of the Board, limited through a land use practice. I think the additional siting, the difference between the additional molding of the plan, can much more be environmentally amenable by a responsible non-turf buffer or even an area that is set aside adjacent to the bluff that is left alone. Anyhow, that's my position.

TRUSTEE BERGEN: Okay. We have heard a lot of comments from the Board. Is there anybody else in the audience who would like to comment on this application?

MS. WICKHAM: Good evening, my name is Abigail Wickham, Wickham, Bressler & Geasa, 13015 Main Road, Mattituck, New York.

I'm the attorney for Barbara Adams, and I wanted to tell you, first of all, I realize this is the second hearing, but I would like you to indulge me in just two requests, and let me give you a bit of a background on that. Although it's not a specifically environmental issue, I think you should be aware of it. This is a very important matter for my client. Due to her age and her health, although she would love to indefinitely live in her little beach cottage set way back from the water, she can not. It was a hard decision for her to have to sell, but she does need the funds to support herself. And to put the house so much further back than was talked about earlier, than even in the 75 feet the ZBA decided or the other houses in the area, does impact the value. It's not just envelope. It's where the distance to the water is. So we would like to ask you a couple of -- I would like to ask you two things.

Number one, if I may reserve on the record any right to request in the future a revised 75-foot setback, just because we must consider the eventuality that for whatever reason our contract vendee does not proceed with the purchase. That being said, I would also like to ask only that if the Board is not willing to approve the 85 foot application as resubmitted and as you just discussed with the tree and other buffer considerations, that you grant us a further hearing to present additional evidence.

I do think that Mr. Herrmann's letter very clearly stated that the jurisdictional issue is from the waterline and that this particular revised application is well further landward than 100 feet from that. So it does meet any applicable setbacks. And I don't think that the issue of a bank or whether it's from the top of the bank is relevant.

So if you would indulge me those two, I would appreciate

it. And I thank you for your consideration.

MS. HULSE: Just to clarify, Gail, the monetary value of where the house is located is completely irrelevant. The Trustees can not consider that in making their decision.

MS. WICKHAM: I understand that. I was just stating that as background.

MS. HULSE: What the Trustees are going to consider is the application before them.

MS. WICKHAM: I understand that.

MS. HULSE: That's it. There is nothing else --

MS. WICKHAM: I want you to understand --

MS. HULSE: Gail, I'm trying to answer what you just stated. So please don't interrupt because he can't take both of our comments at the same time.

The comment preceding your request that the Board consider potential revisions to this application are irrelevant and they can't consider them, as a matter of law. They are not allowed to consider them.

With respect to what they are considering tonight, is exactly what is on this agenda. They are considering what has been applied for. Any revisions is not before them right now and they can't opine on that.

MS. WICKHAM: I think perhaps you misunderstand my comment. It's my understanding -- and forgive me, I was not here at the first hearing -- that a revised map has been submitted with an 85-foot setback. That's the revision I'm referring to.

MS. HULSE: That's what they are considering tonight.

MS. WICKHAM: Yes. And my request is if that is not to be approved, that the hearing not be closed, that it be extended.

MS. HULSE: That will not happen tonight. They'll either deny or approve tonight. It's not something they can do.

TRUSTEE BERGEN: We either deny, approve or we table.

MS. WICKHAM: Okay, then I stated my reservation and you'll make your decision accordingly. Thank you.

TRUSTEE BERGEN: Thank you.

I saw another hand. Yes come on up to the microphone. Just introduce yourself first.

MS. PRELLWITZ: My name is Wendy Prellwitz. I'm Barbara's cousin and I live two houses away. And I just wanted to tell you I really support the proposal as it was submitted, because I really would like to see Barbara be able to move on with this particular situation. And we have been, our families have been close for many years and I would like to see it move forward. Thank you.

TRUSTEE BERGEN: Thank you.

Yes, sir, come on up.

MR. BOOTH: My name is Ed Booth, I live at 17235 Soundview Avenue. I pay about \$50,000 a year in real estate taxes. My mother gave the library to the town. So I'm a great friend of Barbara's. She is in trouble now. I'm not interested, I'm unfamiliar with the details of this controversy about whether

that is a bank or whatever. I know I pulled a boat over it not too long ago myself. And I'm 87-years old. It can't be a hell of a big bank. So I hope you view favorably this application. Because, I like her, she's in trouble, and if this application goes through, I think her life will be much better than it is now. Thank you.

TRUSTEE BERGEN: Thank you.

Yes, sir, come on up, and introduce yourself first.

MR. CUKOR: My name is Greg Cukor, I live at 7070 Indian Neck Lane, and I just want to speak in favor of the proposal as revised. I think it's logical, reasonable. And I'll just leave it at that. Also I would like that thank the Trustees for all the work you do. I know you spend a lot of time on a lot of different matters, and I certainly appreciate it.

TRUSTEE BERGEN: Thank you. Is there anybody else, before Pat, who has not spoken yet who wanted to get a chance to speak? (No response).

MS. MOORE: Just to be sure, we have submitted the survey that has the drywells and a proposed sanitary that we have shown everything on the survey and we want, if the Board is accepting of our amended application, we would want to have the ability to put in the drywells, all of the infrastructure that is required for this house. And that's all. Just want to be sure that's included. Thank you.

TRUSTEE KING: Does it show where the sanitary is?

TRUSTEE BERGEN: Thank you. The sanitary, correct me if I'm wrong, Pat, looks like it's between the proposed dwelling and Indian Neck Road there?

MS. MOORE: Correct.

TRUSTEE KING: It's showed on the survey in a little more detail there. Sorry, I'm looking at the wrong survey. We need to correct that.

TRUSTEE BERGEN: Just bear with us for just a second.

MS. MOORE: That's fine.

TRUSTEE KING: I want to correct this. The new proposed house on these new drawings is 87 feet landward of the concrete bulkhead. Not 100. It's 87.

TRUSTEE BERGEN: And from top of bluff?

MS. MOORE: No, from the concrete bulkhead, it's, I think we had it, well, 85. See on the left-hand side? It's next to the deck. It's where the wood stairs are.

TRUSTEE KING: Yes, I measured in the middle of it.

MS. MOORE: Yes. It increases slightly, so

TRUSTEE KING: It's just about nearer to 86. But let's not argue over a foot.

MS. MOORE: Okay, thank you.

TRUSTEE BERGEN: Rob, did you have a comment?

MR. HERRMANN: No, not necessarily. I was just going to try to help with the setbacks, and I was going to orient Jim that Howard Young does show an 85 foot setback to the corner of the attached deck, so by the time you get back to that corner of the

house, it's closer to 95, and then as you slide to the north where the house protrudes but tends to fade away from the shoreline, you are at about 90 feet. So the house proper is at least 90 feet or more from the bulkhead at all points.

The septic system is shown between the dwelling and Indian Neck Road, as you pointed out, where it's well more than 100 feet from surface waters, and what is the actual wetland boundary, notwithstanding the bluff argument, there is still a wetland boundary on the property, and also where it's located as far landward as it can be to meet the 150-foot Health Department setback from the well. So I was just going to help with a couple of those setbacks.

TRUSTEE BERGEN: Thank you. Any other comments from the Board? (Negative response).

I'm willing to hand this off to somebody else who would like to make a resolution.

TRUSTEE KING: Any other comments from anybody on the Board? (Negative response).

I'll make a motion to close the hearing.

TRUSTEE BREDEMEYER: Second. All in favor? (ALL AYES).

TRUSTEE KING: And I'll make a motion to approve the application as has been amended, bringing the house further landward. And I would like to see a 15-foot non-turf buffer along the top of the bank. And before any trees can be trimmed or removed, we would like to revisit that and have perhaps an Administrative Permit to do any pruning on the trees or any tree removal, just so we can keep an eye on it.

MR. HERRMANN: Jim, is that inside or outside the non-turf buffer?

TRUSTEE KING: Within the non-turf buffer. Because it's a row of cedar trees right along there. You hate to see them get whacked off. You can do maybe a little creative trimming so you have a view.

MR. HERRMANN: I think the site plan shows the views inside that buffer to remain.

TRUSTEE BREDEMEYER: He's making a motion.

TRUSTEE KING: So that's my motion, to approve with 15 foot non-turf buffer. And any tree work is to be notified for us first before any work is done.

TRUSTEE BREDEMEYER: Motion made. Is there a second? Discussion on the motion?

TRUSTEE DOMINO: Reference the new plans.

TRUSTEE KING: Yes.

TRUSTEE DOMINO: I'll second that.

TRUSTEE BREDEMEYER: Motion made and second. All in favor?

(Trustee Bredemeyer, aye. Trustee Domino, aye. Trustee King, aye. Trustee Bergen, nay).

TRUSTEE BERGEN: Note for the record I vote nay.

TRUSTEE DOMINO: Number nine, Patricia C. Moore, Esq., on behalf of **PASQUALE & MARTIN ROMANELLI** request a Wetland Permit for the



existing 47'x40' dwelling; existing 20'x36.5' westerly wood deck attached to dwelling; existing 9.2'x10.4' wooden deck to be cut back and subsequently maintained at not less than 3' landward from the rear property line on the east and west sides resulting in a 9.2'x7.4' deck, with 3' wide beach stairs with railings leading to a 5'x6' platform, and 3'x7' platform with stairs to beach; and for the existing 150 linear foot long wooden bulkhead. Located: 515 South Oakwood Drive, Laurel.

The LWRP coordinator found this to be inconsistent. The inconsistency arises from the fact that there were no permits. No Trustee permits at this location. The CAC voted to support this application.

The Trustees did a field inspection on the 15th of April and noted that the pipe to the bluff had been removed, and suggested that all runoff, roof runoff, be directed to drywells. Is there anyone here to speak to this application?

MS. MOORE: Yes. All the structures that are here were built prior to Trustees jurisdiction. They were, the original house is pre-existing and then it was modified after a storm, a bulkhead was built, I think in the early 80s. So it was all prior to the Trustees acquiring jurisdiction. We are just, the house is being sold and the buyer wants to be sure that there are permits from the Trustees for all structures. That's all.

TRUSTEE DOMINO: Okay, anyone else here to speak to this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing no further comments, I'll make a motion to close this hearing.

TRUSTEE BREDEMEYER: Motion made. I'll second that. All in favor? (ALL AYES).

TRUSTEE DOMINO: Motion to approve this application noting that by approving we will bring it into consistency with the LWRP.

TRUSTEE BREDEMEYER: I'll second that. All in favor? (ALL AYES).

MS. MOORE: Thank you.

TRUSTEE BREDEMEYER: Land Use Ecological Services, Inc. on behalf of **JOHN PETROCELLI, SR.** requests a Wetland Permit to construct a 1,892sq.ft. one story single-family dwelling with a 7'x12' front porch and a 14'x20' rear patio; install a sanitary system on the south side of the dwelling; install gutters to leaders to drywells to contain roof runoff; installation of a driveway with drywells to contain runoff; a line of staked hay bales with silt fencing to be installed prior to and during construction; and construct a 5' wide set of bluff stairs to beach with attached 14'x25' deck. Located: 2240 Paradise Point Road, Southold.

This project is deemed to be inconsistent under the LWRP because there are a number of issues relating to the project that need attention by this Board. The parcel is subject to

restrictive covenants which are liber and page noted here in the report. No grading permitted within 50 feet of the top of the edge of bank, except that which is necessary to control or remedy erosion or prevent storm water from flowing over the bank. The woodland nature of the premises are to be preserved except where the removal of such trees and shrubs are necessary for construction or maintenance of access driveways to the lots. And to protect tidal and freshwater wetlands. The regulated natural features of bluff, and meaning the definition of a bluff, it should be setback a minimum distance for building. And in the event the action is to be approved, it recommends a 15-foot non-turf buffer, restrict clearing of trees in the Board's jurisdiction, comply with covenants and restrictions and restrict grading within 50 feet of the top of the bluff.

The CAC supported the application but questioned the placement of the proposed deck. Is it appropriate on the sensitive slope. The CAC requests also questions the removal of trees within 100 feet of the wetland boundary.

The Board performed a field inspection on April 16th. It was noted there were 70 feet to the seaward side of the proposed house in line with the neighbors. Seemingly it appeared to us based on field inspection there could have been better project planning, and we felt that there was significant trees that were removed in establishing the proposed drive area that could have been avoided through a slightly different plan; a different approach to this project.

Is there anyone here who wishes to speak on behalf of this application?

MS. PRIOLO: Yes. I'm Ms. Julia Priolo, of Land Use Ecological Services, on behalf of John Petrocelli. As you have in front of you, a revised plan was submitted to you in March showing a landward relocation of the proposed house. There are many trees on this property, as you saw, and many of them are very large, and it's very hard to pick and choose, unfortunately. Mr. Petrocelli would really like to preserve certain beech trees that are on the plan, that are very visible on the detail right around the proposed garage area. It's hard to place a house and driveway and garage, minimal necessary structures for a single-family dwelling, around these trees, but it's definitely the intention to preserve many of the large trees on this property.

The proposed house is a one-story house, three bedrooms, relatively small. The DEC permit and under-section letter were being draft this morning for this project, and the Health Department permit is pending wetland approvals, with no objection.

The plan also shows silt fencing and hay bales and in addition all roof runoff and driveway storm water runoff is directed to the drywells. The sanitary system is compliant with Suffolk County Department of Health Services Code, 65 feet back from the bluff. And beach access stairs are also proposed for this lot.

The bluff is currently vegetated and it will remain so,

except for areas where vegetation needs to be removed, where the stairs are proposed and the deck. The deck and stairs along the bluff are very similar to other structures along this waterway and along Southold Bay.

If you have any other questions I would hope I could answer them tonight, and if there any major issues, we may be able to just respond at a later date. But let's just start if there are any questions on the proposed plan. Thank you.

TRUSTEE BREDEMEYER: Just one observation, the deck as proposed does not meet the current code requirements for size. It's 350-square feet. Recently the Town Board in the Wetland Code amendments allowed decks associated with bluffs to be increased in size so that at this time they are allowed to be what, 200-square feet --

TRUSTEE KING: I thought it was 100. Decks associated with stairs.

TRUSTEE BREDEMEYER: Sorry, from, excuse me, from 32-square feet to 100-square feet. And accordingly the Board would not be in a position, without amending the application, we could not approve. The fact is there may have been historic decks in neighboring properties but they were never approved pursuant to the wetland ordinance. They may have predated the code.

MS. PRIOLO: That's the deck attached to the beach access stairs and the maximum size is --

TRUSTEE BREDEMEYER: 100-square feet. I misspoke before.

TRUSTEE KING: It used to be 32. So you can see we've tried to work things out because we had so many complaints about that.

MS. PRIOLO: Okay.

TRUSTEE KING: My only comment is I would like to see the house pushed back at least ten feet.

TRUSTEE BREDEMEYER: We were contemplating a plan when we were in the field and we felt the house could be pushed back and still not affect the beech trees. It's nice that the owner recognizes those beech trees, which are probably pushing 80, 90 or more years, to try and keep them. So we felt we would also be providing additional protection for the bluff, and that would enable the honoring of the, more easily honoring the restrictive covenant requirement on the 50-foot no disturbance.

MS. PRIOLO: Currently the deck is about 45, just about, feet from the top of the bluff. The original proposal was 12 feet more seaward than what you see here. And it is definitely very thoroughly thought-out. If we are able to shrink down some of the driveway, perhaps, five feet on the driveway, perhaps a few feet on this deck, um, to maybe get somewhere near ten feet more landward, would that be acceptable? You see how the deck right now is 14x20, if we maybe shrunk that deck down to 10x20.

TRUSTEE BREDEMEYER: We could put that under consideration, since we are looking at amending the size of the deck on the bluff, maybe it would be wise to table the application, we could also continue the discussion if there are any other items that need discussing, and it might be worthwhile to see even if you could pull the house back a nominal four or five feet, reduce decks,

and then come back with a plan that would be honoring the hundred-foot limitation on our deck; indicate that the beech trees are to be saved, and then I would say we would want to incorporate, also want to see maybe a map a 50-foot zone that is not supposed to be disturbed under restrictive covenant. And I don't know if the Board has any suggestions about a non-turf buffer at the top of the bluff. But I understand the neighboring property was maybe ten feet -- ten feet would be minimal for this property. So those are the sorts of things which should be contemplated, possibly tabled, then see if you could work with the owners or the architect to see if you could squeeze a little more to the landward.

TRUSTEE BERGEN: And if you move the house back, the septic would also have to move back, correspondingly would move back from the top of the bluff ten foot.

TRUSTEE KING: You know, it seems like we have a minimum distance you can be. People use it as a target. If it's 70 feet by code, everybody goes to 70 feet. But if you have room to put it back 85 or 80 feet, what's the huge problem? It's much more beneficial for everything, except the owner, I guess, who wants to get as close as he can to the bluff.

MS. PRIOLO: You are correct, the septic can certainly go farther back. There is room for that. And we will be looking at somehow shrinking the driveway. The house is already quite small. It's not small, but it's not extravagant. So we could look at shrinking the driveway while still saving the beech trees and move them around and aim for the ten foot more landward of the deck from the -- you are looking for ten more feet, correct?

TRUSTEE KING: We keep mentioning the beech trees and if you look down here, all the little drawings the kids have made, save the trees, save the trees, and we went there, there was an oak tree about three feet in diameter that was perfectly healthy got whacked down. And I don't understand why that happened. There is a 200-year old tree and other trees hundred-years old and are all knocked down so you can have a runway-like driveway going in there. I just don't get it. I really don't.

TRUSTEE DOMINO: I was Chairman of the Tree Committee in this town for nine years. And I'll tell you, I don't want to get into a tete-a-tete with you, but you have an eight-hundred foot long driveway here that could have been, could have had a couple turns in it here and there that probably would have enhanced the way that you enter the property. But it would have avoided cutting down that tree that Trustee King just referenced. A minor change to the driveway, that tree would have been saved. That tree was close to 200-years old and was perfectly healthy. There was no rot in that. And that was only one tree out of, well, I didn't count them because I was actually sickened by it.

TRUSTEE KING: It's out of our jurisdiction. We have nothing to do with it. It's just frustrating, we see that done. If they had been a little more creative in staking that driveway out, they could have avoided a lot of the trees, and in my opinion it

would have made a much better looking job of it.

TRUSTEE BREDEMEYER: It is what it is.

TRUSTEE KING: You are not going to change it.

MS. HULSE: Is the setback correctly shown on this?

TRUSTEE BREDEMEYER: Let's double check.

TRUSTEE BERGEN: We took a measurement from the top of bluff to the proposed house.

TRUSTEE BREDEMEYER: One inch is 100 feet.

TRUSTEE KING: The top of bluff is here --

TRUSTEE BERGEN: We are just double checking the setback measurements.

TRUSTEE KING: I have about 43 feet from the deck to the top of bluff. Here is your top of bluff, am I correct?

If you scale it off, there is 40 feet right there.

TRUSTEE BREDEMEYER: Okay, now what is this. This is 75.

TRUSTEE KING: This is more easy to scale off because it's a larger scale.

TRUSTEE BREDEMEYER: So the deck protrudes into the 50-foot restrictive covenant. That's why the inconsistency. We measured to --

TRUSTEE BERGEN: We measured to the structure to the house. I don't believe we measured to the deck in the field.

TRUSTEE KING: To make it 50 feet, that would be the corner of the deck.

TRUSTEE BREDEMEYER: And it was the 70 feet that we were trying to get was the additional distance back. Let me just double check that. We were trying to get it back --

TRUSTEE KING: If we put the house at 85 feet from the concrete bulkhead, it puts it right at the 50-foot mark. So actually they can go back even further, make it 90 feet. Then it would be a safe bet.

TRUSTEE BREDEMEYER: We can get 70 feet from the corner of the house from the top of the bluff. I think that's what we were looking at in the field. That brings it back about ten feet. It brings it back ten feet, give or take.

TRUSTEE KING: Almost 30 feet from the corner of the deck. The house of itself, 15 feet. If the house itself went back 15 feet, that gives you 55 feet from the top of the bluff.

TRUSTEE BREDEMEYER: Okay, if the house were to go back approximately 15 feet, it would bring it approximately 55 feet back from the top of the bluff. That has to be viewed against the beech trees that we all want to save.

The inconsistency in the LWRP comes from the fact that the deck protrudes into the 50-feet, so in reviewing this application in totality, the issues with the lower deck that goes down over the bluff, having to get back that additional distance, so it's 50 feet, we are recommending pushing the house back as much as 15 feet, and then if you have to alter driveways or slightly change configuration to save the existing beech trees, I think that's the issues list that we have that you will want to deal with.

MS. PRIOLO: Okay, as well as a buffer.

TRUSTEE BREDEMEYER: As well as a buffer -- it has not been discussed but I would say at least ten-foot non-turf buffer to match what the neighbor has. The primary mission at this point is no more trees cut.

MS. PRIOLO: Okay, so just to confirm. The bluff vegetation will remain natural, as well as a ten-foot top of bluff, natural, non-turf buffer.

TRUSTEE BREDEMEYER: Okay, any other questions, comments, concerns?

(Negative response).

Hearing none, I'll make a motion to table this matter for receipt of new plans to address the issues we discussed here.

TRUSTEE DOMINO: Second.

TRUSTEE BREDEMEYER: All in favor?

(ALL AYES).

MS. PRIOLO: And it will be discussed next month if plans are submitted.

TRUSTEE KING: If you get the new plans in, sure.

TRUSTEE BREDEMEYER: Try to get the new plans in at least a week before our meeting so we have a chance to discuss it at our worksession and put it on our field surveys.

THE SECRETARY: May 20th is the next meeting.

TRUSTEE BREDEMEYER: We definitely want them in before the 13th.

Thank you.

MS. PRIOLO: Thank you.

TRUSTEE BREDEMEYER: I'll take a motion to adjourn.

TRUSTEE KING: So moved.

TRUSTEE BREDEMEYER: Second. All in favor?

(ALL AYES).

TRUSTEE BERGEN: Second.

(ALL AYES).

Respectfully submitted by,

A handwritten signature in black ink that reads "John M. Bredemeyer III". The signature is written in a cursive, flowing style.

John M. Bredemeyer III, President  
Board of Trustees